IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20033 of 2004

Between:

V.Manjulamma, W/o.Parthasarathy Reddy,
R/o.Naidupet Town, Nellore Dist.

..... PETITIONER

AND

1 The Mandal Revenue officer, Naidupet, Nellore Dist.
2 The Mandal Revenue Inspector, Naidupet Mandal, Naidupet, Nellore

Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus declaring the order of the Mandal Revenue officer, Naidupet in Rc.E.579/2004 dt.26-10-2004 cancelling the house site patta and resuming the same to Government along with structures therein i.e Ac.0.03 cents of land along with the building bearing D.No.3-11-2004 of Naidupet, as illegal, arbitrary without any authority of law and violative of principles of natural justice and set-aside the same and pass.

Counsel for the Petitioner:MR.V.SUDHAKAR REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Through the impugned proceedings dated 26.10.2004, the Mandal Revenue Officer, Naidupet, the first respondent herein, ordered for resumption of the land to an extent of Ac.0.03 cents situated in Naidupet village to the Government along with structures therein by cancelling the house site patta granted to one Nelluru Prakasam and evicting the petitioner from the site in question, on the ground that the original allottee alienated the site and the petitioner acquired the same contrary to the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

Learned counsel for the petitioner submits that as per the conditions of the assignment granted, the land is not alienable within a period of ten years, but there is no such prohibition after expiry of the said period.

The definition of 'assigned land' itself clearly says that the lands assigned by the Government to the landless poor persons shall be subject to the condition of non-alienation. In view of the same, the submission made by the learned counsel for the petitioner that the land is alienable after ten years of assignment, cannot be accepted. Moreover, it is a matter, which can be decided by the authorities in an appeal provided under Section 4-A of the Act.

Since the land along with the building therein is directed to be taken possession, the impugned order dated 26.10.2004 shall not be given effect to for a period of three weeks from today and the petitioner shall not be

dispossessed, pursuant to the impugned order. The petitioner is at liberty to prefer an appeal under Section 4-A of the Act before the appellate authority.

Subject to the above observations, the writ petition is disposed of.

01.11.2004

ksld

To

1 The Mandal Revenue officer, Naidupet, Nellore Dist.
2 The Mandal Revenue Inspector, Naidupet Mandal, Naidupet, Nellore

Dist.

3 Two CCs to the GP for Revenue, High Court of A.P.(OUT)

4 Two CD copies.